

ATTORNEY'S DOCKET NUMBER 2003080-0054 (SK-893)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Danishefsky *et al.* Examiner: Canella, K. A.
Serial No.: 09/641,742 Art Unit: 1643
Filing Date: August 18, 2000
Title: NOVEL GLYCONJUGATES, GLYCOAMINO ACIDS,
INTERMEDIATES THERETO, AND USES THEREOF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. § 1.132

I, Samuel J. Danishefsky, declare as follows:

1. I am an inventor of the subject matter disclosed and claimed in U.S. Patent Application Serial No. 09/641,742, filed August 18, 2000, and entitled "NOVEL GLYCONJUGATES, GLYCOAMINO ACIDS, INTERMEDIATES THERETO, AND USES THEREOF."

2. This Declaration is presented for the purpose of removing from consideration by the Examiner a reference by Danishefsky *et al.*, entitled " α -O-linked Glycoconjugates, Methods of Preparation and Uses Thereof," U.S. Patent 6,660,714, issued December 9, 2003 (the '714 patent). The present Declaration is presented in accordance with *In re Katz*, 687 F.2d 450, 215 USPQ 14 (CCPA 1982), and establishes that the allegedly anticipatory material in the '714 patent was not invented by another.

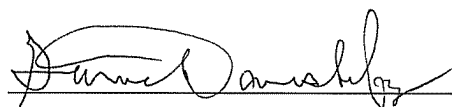
3. Govindaswami Ragupathi, Philip O. Livingston, Lawrence Williams and I are co-inventors of the instant application, and are co-inventors of the claimed invention of the '714 patent.

4. Jennifer Allen is a co-inventor of the instant application, but is not a co-inventor of the claimed invention of the '714 patent. She did not contribute to the claimed invention of the '714 patent.

5. Dalibor Sames, Samuel Hintermann, Xiao-Tao Chen, Jacob B. Schwartz, Peter Glunz, and Scott Kuduk are co-inventors of the claimed invention of the '714 patent, but are not co-inventors of the instant application. They did not contribute to the claimed invention of the instant application.

6. In a Declaration filed in the instant application on October 17, 2007, it was stated that Sames, Hintermann, Chen, Schwartz, Glunz, and Kuduk were working under my direction when they participated in the research which was described in the '714 patent. In fact, Sames, Hintermann, Chen, Schwartz, Glunz, and Kuduk were collaborators on certain aspects of the claimed invention of the '714 patent, and the statement in the Declaration of October 17, 2007 was not meant to question their inventorship. Sames, Hintermann, Chen, Schwartz, Glunz, and Kuduk are correctly listed as co-inventors in the '714 patent.

7. I, Samuel J. Danishefsky, declare that all statements made herein of my own knowledge are true and that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like are made punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patents that may issue thereon.

A handwritten signature in cursive script, appearing to read "Samuel Danishefsky", is written over a horizontal line.

Samuel J. Danishefsky, Ph.D.

3/26/08

Date